

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WISCONSIN (MADISON)

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In Re: **Tiana Jean Cole aka Darden, Debtor.**

**Case No. 3-19-12024-cjf**  
**Chapter 7**

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**NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC STAY  
AND ABANDONMENT**

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Nationstar Mortgage LLC d/b/a Mr. Cooper has filed papers with the court to obtain relief from the automatic stay and abandonment.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the requested relief, or if you want the court to consider your views on the motion, then on or before **July 5, 2019**, you or your attorney must:

[File with the court a written request for hearing {or, if the court requires a written response, an answer, explaining your position} at:

United States Bankruptcy Court  
Western District of Wisconsin  
120 N. Henry St., Room 340  
Madison, WI 53703

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

BASS & MOGLOWSKY, S.C  
501 West Northshore Drive, Suite 300  
Milwaukee WI 53217  
Attention: Penny G. Gentges

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: June 20, 2019

Signature: \_\_\_\_\_



Name: Penny G. Gentges  
Address: BASS & MOGLOWSKY, S.C.  
501 West Northshore Drive  
Suite 300  
Milwaukee, WI 53217

***FDCPA NOTICE: Bass & Moglowsky, S.C. is a law firm/debt collector for the creditor in the above-referenced action. We are attempting to collect a debt and any information obtained from this communication will be used for that purpose.***

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**MOTION FOR RELIEF FROM AUTOMATIC STAY AND ABANDONMENT**

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Nationstar Mortgage LLC d/b/a as Mr. Cooper (hereinafter "Creditor"), by its attorneys, Bass & Moglowsky, S.C., moves the Court, pursuant to 11 U.S.C. 362(d), for an order terminating, annulling, modifying, or conditioning the stay imposed by 11 U.S.C. 362(a) of the U.S. Bankruptcy Code, and further moves for abandonment pursuant to 11 U.S.C. 554(b), and alleges as follows:

1. Tiana Jean Cole aka Darden (hereinafter "Debtor",) filed a petition under Chapter 7 of the U.S. Bankruptcy Code on June 12, 2019, and Brenda L. Zeddun has been appointed trustee.

2. On January 15, 2016, Debtor, as Tiana J. Cole, executed a Note for a loan of \$144,620.00. Payments under said Note are secured by a Mortgage encumbering certain real property located at 905 N. HIGH ST, FORT ATKINSON, WISCONSIN 53538. A copy of the Note and Mortgage will be filed via CM/ECF simultaneously with this Motion as Exhibit A. Copies of the documents are available on request to counsel for the Creditor.

3. Debtor defaulted on said obligation.

4. Grounds for relief from the automatic stay and abandonment pursuant to 11 U.S.C. Sections 362 and 554(b) are:

a. Creditor has not been afforded adequate protection for its interest in the property in that the Debtor has failed to pay the monthly contract payments when due, as follows:

Number of Missed Payments	From	To	Principal and Interest	Escrow (if applicable)	Monthly Payment Amount	Total Amounts
3	1/1/2019	3/1/2019	690.44	307.36	997.80	2,993.40
3	4/1/2019	6/1/2019	690.44	456.91	1,147.35	3,442.05
Less post-petition partial payments (suspense balance):						(\$ 0.00)

**Total: \$6,435.45**

In addition, monthly payment obligations will continue to accrue under the terms of the Note.

b. The Debtor has no equity in the property. The estimated property value, according to Debtor's Schedule A/B, is \$134,000.00. See Exhibit B. As of June 17, 2019, the unpaid principal balance, together with accrued interest, advances (property taxes, insurance) and less suspense account or partial balance paid, was \$142,991.19. The property is not necessary to an effective reorganization.

c. **According to the Statement of Intentions, the Debtor intends to surrender the property. See Exhibit C.**

5. The Debtor is in possession of the property; further, Creditor's interest in said property is decreasing in value.

6. Creditor requests that the Court also order that Rule 4001(a)(3) is not applicable, allowing Creditor to immediately enforce and implement its order granting relief from the automatic stay.

7. Creditor further requests that the trustee be ordered to abandon the estate's interest in the encumbered property pursuant to 11 U.S.C. 554(b). For the reasons set forth above, the encumbered property is of inconsequential value to the estate.

8. Further, the Creditor requests that any order granting relief set forth that Creditor may take such actions with respect to the real property as are set forth under applicable non-bankruptcy law, including foreclosure, modifications, short sales, deed in lieu, and other loss mitigation options.

9. Attached are redacted copies of any documents that support the claim, such as promissory note, purchase orders, invoices, itemized statements of running accounts, contracts,

judgments, mortgages, and security agreements in support of the right to seek relief from the automatic stay, and foreclose if necessary.

10. Creditor's costs and fees associated with this motion are \$931.00 [\$750.00 fees and \$181.00 costs].

Dated: June 20, 2019.

BASS & MOGLOWSKY, S.C.,  
Attorneys for Creditor

By

  
Penny G. Gentges

P. O. Address:

501 West Northshore Drive, Suite 300  
Milwaukee, Wisconsin 53217  
Telephone: (414) 228-6700

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WESTERN DISTRICT OF WISCONSIN (MADISON)

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**Chapter 7**

**AFFIDAVIT OF SERVICE**

STATE OF WISCONSIN     )  
  ) ss.  
MILWAUKEE COUNTY     )

The undersigned, being first duly sworn upon oath, says that on June 20, 2019, your affiant served a copy of the annexed NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC STAY AND ABANDONMENT on the attorney(s) and/or parties listed below electronically if the party accepts electronic service through CM/ECF, or by mailing said copy to their last known address, with postage prepaid and affiant's return address properly placed on the envelope:


**Tiana Jean Cole**  
**1521 Commonwealth Dr., Apt. 15**  
**Fort Atkinson, WI 53538**

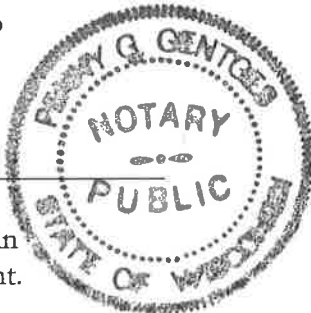
**ALL PARTIES ON ATTACHED MAILING MATRIX**

**Chad L. Schomburg**  
**by CM/ECF**

**Brenda L. Zeddun**  
**Chapter 7 Trustee by CM/ECF**

SUBSCRIBED and sworn to  
before me on June 20, 2019.

  
\_\_\_\_\_  
Notary Public  
Milwaukee County, Wisconsin  
My Commission is permanent.



  
\_\_\_\_\_

***FDCPA NOTICE: Bass & Moglowsky, S.C. is a law firm/debt collector for the creditor in the above-referenced action. We are attempting to collect a debt and any information obtained from this communication will be used for that purpose.***

Label Matrix for local noticing  
0758-3  
Case 3-19-12024-cjf  
Western District of Wisconsin  
Madison  
Mon Jun 17 16:01:01 CDT 2019

Attorney Steven W. Moglowsky  
501 W. North Shore Drive #300  
Milwaukee, WI 53217-4541

Best Buy Credit Services  
PO Box 790441  
Saint Louis, MO 63179-0441

Capital One  
Attn: Bankruptcy  
Po Box 30285  
Salt Lake City, UT 84130-0285

Tiana Jean Cole  
1521 Commonwealth Dr., Apt. 15  
Fort Atkinson, WI 53538-3121

Department of Education/Nelnet  
Attn: Claims  
Po Box 82505  
Lincoln, NE 68501-2505

IRS - Centralized Insolvency Operations  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Internal Revenue Service  
Department of the Treasury  
P.O. Box 7346  
Philadelphia, PA 19101-7346

(c)JEFFERSON COUNTY CLERK OF COURT  
311 S CENTER AVE  
JEFFERSON WI 53549-1799

Mr. Cooper  
Attn: Bankruptcy  
Po Box 619098  
Dallas, TX 75261-9098

Nationstar Mortgage LLC  
d/b/a Mr. Cooper  
8950 Cypress Waters Blvd  
Coppell, TX 75019-4620

Personal Finance Co LI  
2228 Humes Rd.  
Ste. 1  
Janesville, WI 53545-0202

Chad L. Schomburg  
Debt Advisors, S.C.  
2600 North Mayfair Road, Suite 700  
Milwaukee, WI 53226-1314

Secretary of Treasury  
Treasury Department  
1500 Pennsylvania Avenue N.W.  
Washington, DC 20220-0001

Securities and Exchange Commission  
175 West Jackson Boulevard  
Suite 900  
Chicago, IL 60604-2908

Slumberland Furniture  
1645 N Spring Street  
Beaver Dam, WI 53916-1194

Special Procedures Unit  
Wisconsin Department of Revenue  
PO Box 8901  
Madison, WI 53708-8901

Summit Credit Union  
Attn: Bankruptcy  
Po Box 8046  
Madison, WI 53708-8046

Synchrony Bank/Care Credit  
Attn: Bankruptcy Dept  
Po Box 965060  
Orlando, FL 32896-5060

U.S. Trustee's Office  
780 Regent Street, Suite 304  
Madison, WI 53715-2635

Wisconsin Department of Revenue  
Special Procedures Unit  
P.O. Box 8901  
Madison, WI 53708-8901

Brenda L. Zeddun  
Law Advisors, S.C.  
2801 International Lane, Suite 205  
Madison, WI 53704-3152

Addresses marked (c) above for the following entity/entities were corrected  
as required by the USPS Locatable Address Conversion System (LACS).

Jefferson County Clerk of Court  
320 S Main St  
Jefferson, WI 53549-1799

End of Label Matrix  
Mailable recipients 21  
Bypassed recipients 0  
Total 21